

Dates: January 1, 1999–February 15, 2001.

[Permit Application No. 99–018]

2. *Applicant:* Gary Klinkhammer, College of Atmospheric Sciences, Oregon State University, 104 Ocean Administration Building, Corvallis, Oregon 97331–5503.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Areas.

The applicant proposes to visit several hydrothermal sites at Deception Island and in the Bransfield Strait for purposes of collecting sediment and rock samples. These samples will be gathered by TV grab, dredging and gravity coring. Some of the hydrothermal sites exist in Antarctic Specially Protected Area (ASPA) #145, Port Foster, Deception Island, and in ASPA #152, the Western Bransfield Strait, off Low Island. The applicant proposes to collect any biological specimens that are accidentally retrieved during the sediment and rock sampling and return them to the university for use in scientific studies.

Location: ASPA #145—Port Foster, Deception Island, and ASPA #152—Western Bransfield Strait, off Low Island.

Dates: April 14, 1999–May 10, 1999.
[Permit Application No. 99–019]

3. *Applicant:* Lars Wikander, President, Quark Expeditions, Inc., 980 Post Road, Darien, Connecticut 06820.

Activity for Which Permit is Requested: Enter Antarctic Specially Protected Area.

The applicant conduct educational visits, for passengers, staff and crew of the icebreaker, Kapitan Khlebnikov, to the following Ross Island areas: Cape Evans Historic Site (ASPA #154), Hut and associated artifacts, Backdoor Bay, Cape Royds (ASPA #156), Discovery Hut, Hut Point (ASPA #157), and Huts and associated artifacts, Cape Adare (ASPA #158). Visits will be conducted in accordance with the relevant Management Plans for each site. Access to the sites may be by zodiac or helicopter as appropriate.

Location:

ASPA #154—Evans Historic Site

ASPA #156—Hut and associated artifacts, Backdoor Bay, Cape Royds, Ross Island

ASPA #157—Discovery Hut, Hut Point, Ross Island

ASPA #158—Huts and associated artifacts, Cape Adare

Dates: January 1, 1999–March 31, 2003.

Nadene G. Kennedy,

Permit Officer, Office of Polar Programs.

[FR Doc. 98–32739 Filed 12–9–98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No. 50–286]

Power Authority of the State of New York; Indian Point Nuclear Generating Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from certain requirements of its regulations for Facility Operating License No. DPR–64, issued to the Power Authority of the State of New York (the licensee), for operation of the Indian Point Nuclear Generating Unit No. 3, located in Westchester County, New York.

Environmental Assessment

Identification of Proposed Action

The proposed action would exempt the licensee from the requirements of 10 CFR 70.24, which requires a monitoring system that will energize clear audible alarms if accidental criticality occurs in each area in which special nuclear material is handled, used, or stored. The proposed action would also exempt the licensee from the requirements to maintain emergency procedures for each area in which this licensed special nuclear material is handled, used, or stored to ensure that all personnel withdraw to an area of safety upon the sounding of the alarm, to familiarize personnel with the evacuation plan, and to designate responsible individuals for determining the cause of the alarm, and to place radiation survey instruments in accessible locations for use in such an emergency.

The proposed action is in accordance with the licensee's application for exemption dated September 24, 1998.

The Need for the Proposed Action

The purpose of 10 CFR 70.24 is to ensure that if a criticality were to occur during the handling of special nuclear material, personnel would be alerted to that fact and would take appropriate action. At a commercial nuclear power plant the inadvertent criticality with which 10 CFR 70.24 is concerned could occur during fuel handling operations. The special nuclear material that could be assembled into a critical mass at a

commercial nuclear power plant is in the form of nuclear fuel; the quantity of other forms of special nuclear material that is stored on site is small enough to preclude achieving a critical mass. Because the fuel is not enriched beyond 5.0 weight percent Uranium-235 and because commercial nuclear plant licensees have procedures and design features that prevent inadvertent criticality, the staff has determined that it is unlikely that an inadvertent criticality could occur due to the handling of special nuclear material at a commercial power reactor. The requirements of 10 CFR 70.24, therefore, are not necessary to ensure the safety of personnel during the handling of special nuclear materials at commercial power reactors.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed action and concludes that inadvertent or accidental criticality will be precluded through compliance with the Indian Point Unit No. 3 Technical Specifications, through the design of the fuel storage racks, and through administrative controls imposed on fuel handling procedures.

The proposed action will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed exemption.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other nonradiological environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed action.

Accordingly, the Commission concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed exemption, the staff considered denial of the proposed action (i.e., the no action alternative). Denial of the request would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement related to the Indian Point Unit 3, dated February 1975.

Agencies and Persons Consulted

In accordance with its stated policy, on October 28, 1998, the staff consulted with the New York State Official, Jack Spath, of the New York State Research and Development Authority regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated September 24, 1998, which is available for public inspection at the Commission's Public Document Room, which is located at The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the 100 Martine Avenue, White Plains Public Library, White Plains, New York, 10601.

Dated at Rockville, Maryland, this 8th day of December, 1998.

For the Nuclear Regulatory Commission.

Alexander W. Dromerick,

*Acting Director, Project Directorate I-1,
Division of Reactor Projects—I/II, Office of
Nuclear Reactor Regulation.*

[FR Doc. 98-32945 Filed 12-9-98; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket No.: 070-3085]

Notice of Consideration of Amendment Request for the Babcock and Wilcox Shallow Land Disposal Area in Parks Township, Pennsylvania, and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission is considering issuance of an amendment to Special Nuclear Materials License SNM-2001 (SNM-2001) issued to the Babcock and Wilcox Company (B&W) establishing the date that B&W will submit a decommissioning plan for the Shallow Land Disposal Area (SLDA) to NRC. This amendment does not pertain to

NRC's substantive review of the decommissioning plan itself or the merits of any decommissioning alternative that has been proposed for the site in past. Once B&W has submitted a decommissioning plan for NRC review, NRC will publish a separate notice and opportunity for a hearing on the decommissioning plan itself. In addition, the amendment, and opportunity for a hearing, does not pertain to the adjacent Parks Operating facility, which is administered under a separate license (SNM-414).

The SLDA is located in Armstrong County, PA, approximately 23 miles east-northeast of Pittsburgh. The SLDA consists of ten waste disposal trenches comprising approximately 1.2 acres surrounded by a 40-acre fenced buffer area. The SLDA was formerly owned by Nuclear Materials and Equipment Corporation (NUMEC) which also operated the nearby Apollo Nuclear Fuel Fabrication Facility. In the 1960s and 1970s, the SLDA was used by NUMEC to dispose of radioactively contaminated (primarily uranium and thorium) and non-radioactive wastes in accordance with NRC regulations at 10 CFR 20.304. NRC rescinded 10 CFR 20.304 in 1981. In 1967, Atlantic Richfield Company (ARCO) purchased stock in NUMEC and then sold it to B&W in 1971. In September 1994, B&W submitted several remediation alternatives for the SLDA to NRC. B&W's preferred alternative was to stabilize the waste in place by covering the buried waste with a soil and synthetic cover and isolating the waste from the groundwater with slurry walls, grout curtains and other engineered barriers. Based on B&W's proposed alternative for decommissioning the SLDA, NRC published a notice in the **Federal Register** announcing NRC's intent to develop an Environmental Impact Statement (EIS) for the decommissioning of the site. In August 1997, NRC completed development of a draft EIS (DEIS) and published a Notice of Availability in the **Federal Register** on September 4, 1997. NRC withdrew the DEIS on September 24, 1997, so that NRC staff could develop additional information regarding the alternatives presented in the DEIS.

On July 9, 1998, B&W submitted a request to NRC to amend its license, SNM-2001, to require that B&W submit a decommissioning plan for the SLDA to NRC by December 6, 2000. On August 3, 1998, NRC staff informed B&W that it would need to provide NRC with justification for this date. On October 13, 1998, B&W provided this justification. Therefore, NRC has determined that B&W's July 9 1998, and

October 13, 1998, constitute a complete request to amend SNM-2001. However, NRC has not made a final determination on whether the request is acceptable and NRC will continue to review the request in accordance with the criteria in NRC regulations at 10 CFR 70.38(g)(2).

The NRC hereby provides notice that this is a proceeding on an application for amendment of a license falling within the scope of Subpart L "Informal Hearing Procedures for Adjudication in Materials Licensing Proceedings," of NRC's rules and practice for domestic licensing proceedings in 10 CFR Part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(d). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the U.S. Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738 between 7:45 am and 4:15 pm Federal workdays; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Rulemaking and Adjudications Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requester in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(h);

3. The requester's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(d).

In accordance with 10 CFR 2.1205(f), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The applicant, BWX Technologies, P.O. Box 11165, Lynchburg, Va. 24506-1165 Attention: Mr. Philip Rosenthal; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852, or by mail,